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14 Attorneys for Plaintiff  
 CARLOS H. PEREZ

15  
**UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION**

18 CARLOS H. PEREZ,

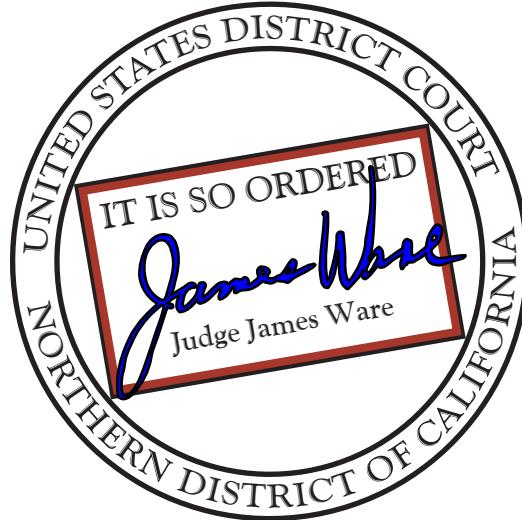
19 Plaintiff,  
 20 v.

21 GMAC MORTGAGE USA CORPORATION,  
 A/K/A GMAC MORTGAGE, LLC, a Delaware  
 corporation; MORTGAGE ELECTRONIC  
 REGISTRATION SYSTEMS, INC., a  
 Delaware corporation; EXECUTIVE  
 TRUSTEE SERVICES, LLC, a Delaware  
 limited liability company; GREENPOINT  
 MORTGAGE FUNDING, INC., a New York  
 corporation; ANDRUS & ASSOCIATES,  
 INC., a California corporation; PAUL RAY  
 ANDRUS, individually and in his official  
 capacity; HOMECOMINGS FINANCIAL,  
 LLC, a Delaware limited liability company;  
 COUNTRYWIDE HOME LOANS, INC., a

Case No. C08-01972-JW-HRL

**NOTICE OF SETTLEMENT AND  
 REQUEST TO CONTINUE  
 PRELIMINARY PRETRIAL  
 CONFERENCE**

**ORDER TO SHOW CAUSE RE:  
 SETTLEMENT**



1 New York corporation; SOUTH PACIFIC  
2 FINANCIAL CORPORATION, a California  
3 corporation; RESIDENTIAL MORTGAGE  
4 CAPITAL, D/B/A FIRST SECURITY LOAN;  
5 a California corporation; JAMES JOHN  
6 CHAPMAN, individually and in his official  
capacity; LUIS G. BARRIOS, individually and  
in his official capacity; ELIZABETH P.  
7 CAMPOS, individually and in her official  
capacity; and DOES 1 through 20, inclusive,  
8

Defendants.

9 COMES NOW the Plaintiff, CARLOS H. PEREZ, by and through his counsel, Fred W.  
10 Schwinn of the Consumer Law Center, Inc., and notifies the Court that this case has been conditionally  
11 settled. The parties have signed a settlement agreement calling for certain payments to be made  
12 through July 31, 2009. Once all payments under the settlement agreement have been paid, the parties  
13 will file a Stipulation of Dismissal with Prejudice in this case.  
14

15 In light of the forgoing, Plaintiff requests that the Preliminary Pretrial Conference scheduled for  
16 July 13, 2009, be continued for 60 days to allow the parties time to consummate the settlement and file  
17 a stipulation dismissing this case.  
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28

1 Dated: June 15, 2009

2 /s/ Fred W. Schwinn  
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24 \*\*\* ORDER \*\*\*

25 On June 15, 2009, the Plaintiff notified the Court that the above-entitled matter has reached  
26 a settlement. (See Docket Item No. 118.) In light of the settlement, the Court vacates all trial and  
27 pretrial dates. On or before **August 17, 2009**, the parties shall file a stipulated dismissal pursuant to  
28 Federal Rule of Civil Procedure 41(a).

29 If a dismissal is not filed by the specified date, all parties shall appear in Courtroom No. 8,  
30 4th Floor, United States District Court, 280 South First Street, San Jose, Ca on **August 31, 2009 at 9  
31 a.m.** and to show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41  
32 (b). On or before **August 17, 2009**, the parties shall file a joint statement in response to the Order to  
33 Show Cause. The joint statement shall set forth the status of the activities of the parties for finalizing  
34 the settlement and how much additional time is requested to finalize and file the dismissal. If a  
35 voluntary dismissal is filed as ordered, the Order to Show Cause hearing will be automatically  
36 vacated.

37 Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss  
38 this action.

39 Dated: July 1, 2009

40   
41 JAMES WARE  
42 United States District Judge